IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2183 of 1999

Dated: 23rd June, 2006

Between:

Metla Eswara Rao

.. Petitioner

and

The Deputy Registrar of Coop.
Societies-cum-Divisional Coop. Officer,
Machilipatnam, Krishna district & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2183 of 1999

ORDER:

This writ petition is filed seeking a Mandamus declaring the order of the first respondent in proceedings Rc.No.2259/5-D dated 20.4.1993 as confirmed by the A.P. Cooperative Tribunal, Vijayawada in

O.A.No.49 of 1994 dated 16.10.1998 as arbitrary and illegal.

The impugned order of the first respondent dated 20.4.1993 was appealed before the A.P. Cooperative Tribunal, Vijayawada. The appellate Court after detailed consideration of the matter, in fact, reduced the interest from 21½% to 18% per annum imposed by the first respondent and held that there are no justifiable grounds to interfere with the order passed by the Deputy Registrar of Cooperative Societies and dismissed the appeal. Aggrieved by the same, the present writ petition is filed.

In this writ petition, the learned counsel for petitioner has projected a different case stating that before passing the impugned order dated 20.4.1993, as confirmed by the A.P. Cooperative Tribunal, Vijayawada by order dated 16.10.1998, no notice of any kind was issued to the petitioner and, therefore, the impugned order is liable to be set aside.

Be that as it may, the learned counsel appearing for respondents 3 and 4 submits that out of the surcharge amount, substantial amounts have already been paid by the petitioner and only small amount remains unpaid. Therefore, there is no necessity of going into all the details as to violation of any principles of natural justice etc.

Having regard to the facts and circumstances of the case, I deem it appropriate to grant some more time to the petitioner to pay the balance surcharge amount. Accordingly, the petitioner is directed to pay the balance surcharge amount within a period of three months from today. However, any amounts paid by the Secretary towards surcharge, in view of liability being joint and several, the same may be given credit to.

With the above observation and direction, the writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 23.6.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

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23.6.2006